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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,343	11/16/2003	Michael O. Bowen	3249	2399

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PEDERSEN & COMPANY, PLLC  
P.O. BOX 2666  
BOISE, ID 83701

EXAMINER
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KURR, JASON RICHARD

ART UNIT	PAPER NUMBER
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2615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/715,343

Applicant(s)

BOWEN ET AL.

Examiner

Jason R. Kurr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/20/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Oberg (US 2,790,164).

With respect to claim 1, Oberg discloses a dual-cone loudspeaker, comprising: a. two speaker elements (fig.1 #12,13), facing in opposite directions; and b. two acoustical horns (fig.1 #17,21,22), each containing an approximately 90-degree bend; said horns being acoustically independent and having approximately co-planar openings that project acoustical energy in the same direction; c. said two speaker elements each being located within one of said two acoustical horns (fig.1).

With respect to claim 2, Oberg discloses the dual-cone loudspeaker of claim 1, further comprising a single, shared magnet between the two speaker elements (fig.1 #10,11, col.1 ln.51-62).

With respect to claim 4, Oberg discloses a dual-cone loudspeaker, comprising: a. two speaker elements (fig.1 #12,13), facing in opposite directions, each having a closed basket or frame (fig.1#14) behind their respective speaker cones, and b. two acoustical horns (fig.1 #17,21,22), each containing an approximately 90-degree bend; said horns being acoustically independent and having approximately co-planar openings that

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project acoustical energy in the same direction; c. said two speaker elements each being located within one of said two acoustical horns (fig.1).

With respect to claim 5, Oberg discloses the dual-cone loudspeaker of claim 4, further comprising a single, shared magnet between the two speaker elements (fig.1 #10,11, col.1 ln.51-62).

Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato (US 6,035,051).

With respect to claim 1, Sato discloses a dual-cone loudspeaker, comprising: a. two speaker elements (fig.8 #34,36), facing in opposite directions; and b. two acoustical horns (fig.8 #32), each containing an approximately 90-degree bend; said horns being acoustically independent and having approximately co-planar openings that project acoustical energy in the same direction; c. said two speaker elements each being located within one of said two acoustical horns (fig.8).

With respect to claim 3, Sato discloses the dual-cone loudspeaker of claim 1, further comprising two separate magnets; one for each speaker element (fig.8 #34,36).

With respect to claim 4, Sato discloses a dual-cone loudspeaker, comprising: a. two speaker elements (fig.8 #34,36), facing in opposite directions, each having a closed basket or frame (fig.8 #30,38) behind their respective speaker cones, and b. two acoustical horns (fig.8 #32), each containing an approximately 90-degree bend; said horns being acoustically independent and having approximately co-planar openings that

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project acoustical energy in the same direction; c. said two speaker elements each being located within one of said two acoustical horns (fig.8).

With respect to claim 6, Sato discloses the dual-cone loudspeaker of claim 4, further comprising two separate magnets; one for each speaker element (fig.8 #34,36).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eddington (US 1,568,589) discloses a dual horn loudspeaker.

Lyons et al (US 5,397,866) discloses a dual acoustic horn assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Kurr whose telephone number is (571) 272-0552. The examiner can normally be reached on M-F 10:00am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 273-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JK

JK



VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600